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| 10/676,211      | 10/01/2003  | Chesley P. Dillon    | GP-303949 2760/128  | 9698             |

7590 08/24/2006

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EXAMINER

CAI, WAYNE HUU

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2617

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                    |  |
|------------------------------|-------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/676,211 | Applicant(s)<br>DILLON, CHESLEY P. |  |
|                              | Examiner<br>Wayne Cai         | Art Unit<br>2617                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-20 and 22-24 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Claims 1-20, and 22-24 are currently pending in this application.

#### ***Response to Arguments***

1. Applicant's arguments filed July 06, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument at the second full paragraph of page 8 that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Furthermore, the Applicant states at the second full paragraph of page 9 that by amending the claim, Webb fails to teach or suggest the notification transmission causes an action to be automatically executed. The Applicant also states that the teachings of Webb (gift reminders, links to vendors, etc.) cited at page 3 of the Office action do not pertain to automatically taking an action. The Examiner respectfully disagrees with the statements above because Webb clearly teaches or suggests that user registers gift idea and event date so that user would be receiving a notification at a later time (see block 210 and block 30 of Figure 3). Therefore, the user is reminded by means of

alerting, notifying of the upcoming events. The notification that user receives could be in a various forms, as it is well known in the art, such as: visually (i.e., blinking, or flashing, etc.), audible (vibrating, etc.). Webb herein specifically teaches or suggests that the notification is taken in a form of either an electronic mail message and/or a pop-up window that appears at user interface 20 (see paragraph 0033). Furthermore, an "action" recited in claim is broadly interpreted herein as automatically querying the Internet for gift web sites that sell items related to the gift idea, providing the notification and automatically including the links to relevant gift merchant web sites (see block 214 of Figure 3). Hence, when user receives the notification, the system of Webb automatically provides the links to gift merchant web sites, and indeed this action is associated with the event from the event table storage system that the user created in advance.

2. Applicant's arguments with respect to claims 1, 8, 14, and 22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb (US 2002/0143664 A1).

**Regarding claims 1, 8, 14,** Webb discloses a method, a computer usable medium, and a system for notifying a subscriber of events, comprising:

- receiving an subscriber event request at a call center (i.e., gift reminder service provider) (paragraphs 0027), wherein the call center is a telematics call center facilitating communications to and from a mobile vehicle

The Examiner notes that Webb discloses a gift service provider in which it does the same functions as the call center (i.e., receiving an subscriber event request at the gift reminder service provider from a mobile device). Although, Webb does not specifically disclose a mobile vehicle. However, Webb discloses a mobile device (i.e., a handheld and/or wireless mobile computing device such as a personal digital assistant or smart mobile phone. See paragraph 0025), in which it would be obvious to one skilled in the art to use the mobile device as in the mobile vehicle or embedded in vehicle.

- creating an event activation table based on the received subscriber event request (paragraphs 0028);
- sending the event activation table to an event table storage system (paragraph 0029, fig. 1, elements 42 & 44);
- sending a subscriber notification including an indicator of an action associated with the event from the event table storage system in accordance with the event activation table using a wireless network to cause a notification to be

conveyed to the user and to additionally cause the action to be automatically executed (paragraphs 0030-0032).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webb's method of reminding and purchasing gift and arrive at the present invention with a notification an event method because it solely relies on the design choices to make a more general notification system instead of a more specific system as disclosed by Webb.

**Regarding claims 2, 9, 15,** Webb discloses the method, computer usable medium, and the systems of claims 1, 8, and 14 as described above. Webb further discloses determining a current notification system activity (paragraphs 0029-0030), but except for disclosing suspending the current notification system activity for the duration of the subscriber notification, and resuming the current notification system activity upon termination of the subscriber notification. It is however obvious to one skilled in the art to include these features because during the process of notifying the current activity to user, the system should suspend and notify the particular activity; it then resumes the notification activity afterward for any other activity as needed.

**Regarding claims 3, 10, and 16,** Webb discloses the method, computer usable medium, and system of claims 1, 8, and 14 as described above. Webb further discloses wherein receiving the subscriber event request comprises: receiving at least one event with an associated notification date and time (paragraph 0032).

**Regarding claims 4, 11, and 17,** Webb also discloses the method, computer usable medium, and system of claims 3, 10, 16 as described above. Webb also

discloses wherein creating the event activation table comprises: linking the received event and the associated notification date and time with an access identifier (i.e., login/password) (paragraph 0028).

**Regarding claims 5, 12,** Webb discloses the method, and computer usable medium of claims 1, and 8 as described above. Webb also discloses wherein sending the event activation table to the event table storage system comprises: establishing a data connection between the call center (fig. 1, elements 30, 42, and 46) and the event table storage system (element 76) and transmitting the event activation table from the call center to the event table storage system using the data connection (paragraph 0030; fig. 1 and its descriptions).

**Regarding claims 6, 13, and 18,** Webb discloses the method, computer usable medium, and system of claims 4, 11, and 17 as described above. Webb also discloses wherein sending the subscriber notification comprises:

- reading a time signal of a real time clock (paragraph 0032);
- determining when the time signal corresponds with at least one date and time from the event activation table (paragraph 0032);
- activating an event notification system based on the determination (paragraph 0032);
- providing the event in accordance with the linked access identifier (paragraphs 0033-0034).

**Regarding claims 7, and 19,** Webb discloses the method, and system of claims 1, and 14 as described above, except for disclosing wherein the event table storage system is a telematic unit (fig. 1, element 70, and its descriptions).

**Regarding claim 20,** Webb discloses the system of claim 14 as described above. Webb also discloses wherein the event notification system is a multimedia system (figs. 5 & 6).

**Regarding claim 22,** Webb discloses a method of notifying a subscriber of events, the method comprising:

- receiving, from a subscriber at a call center facilitating communications to and from a mobile device, at least one event and at least one action associated with the event (paragraph 0027);
- determining the event (paragraph 0029);
- transmitting a notification to the subscriber using a wireless network, the notification including instructions to automatically perform action (paragraphs 0029-0032).

The Examiner further notes that gift reminder service provider as described in paragraphs 0027 is interpreted as wherein the call center is a telematics call center facilitating communications to and from a mobile vehicle. Webb discloses a gift service provider in which it does the same functions as the call center. Even though Webb does not specifically disclose a mobile vehicle. However, Webb teaches a mobile device in which it would be obvious to one skilled in the art to use the mobile device "inside" the mobile vehicle or embedded in the mobile vehicle.



Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webb's method of reminding and purchasing gift and arrive at the present invention with a notification an event method because it solely relies on the design choices to make a more general notification system instead of a more specific system as disclosed by Webb.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webb in view of Robbins (US 2002/0029386 A1).

**Regarding claim 23**, Webb discloses the method of claim 22 as described above, except wherein the even is a traffic update at a predetermined time and the action includes tuning a radio receiver to a predetermined station.

In a similar endeavor, Robbins discloses a method of broadcasting data for programming a receiver. Robbins also discloses wherein the even is a traffic update at a predetermined time and the action includes tuning a radio receiver to a predetermined station (abstract, and paragraph 0204).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a traffic update only at a predetermined time so that user does not have to tune to a traffic channel at a certain time while driving.

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webb in view of Robbins, and further in view of Liao (US 2003/0005466 A1).

**Regarding claim 24**, Webb, and Robbins disclose the method of claim 22 as described above, except wherein the even is a stock quote for a predetermined stock at a predetermined time, and wherein the action include retrieving a stock quote for the predetermined stock at the predetermined time and providing the stock quote to the subscriber within a mobile vehicle using a text to speech synthesizer.

However, Robbins discloses wherein providing weather report, news report, traffic report, etc. at a predetermined time. It is, therefore, obvious to one skilled in the art to modify Robbins' automatically provide predetermined stock quotes at the predetermined time.

In a similar endeavor, Liao discloses a content personalization system for mobile users. Liao also discloses wherein the event is a stock quote for a predetermined stock at a predetermined time, and wherein the action include retrieving a stock quote for the predetermined stock at the predetermined time (paragraph 0006) and providing the stock quote to the subscriber within a mobile device using a text to speech synthesizer (paragraphs 0053 & 0062; fig. 1, element 48). The Examiner also notes that even though neither Webb nor Liao discloses a mobile vehicle. It is however obvious to one skilled in the art to implement or embed a mobile device into a vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a stock quote at a predetermined time and use a text to speech conversion because it is more convenient for use to listen to the desired content while driving rather than stare at the display.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

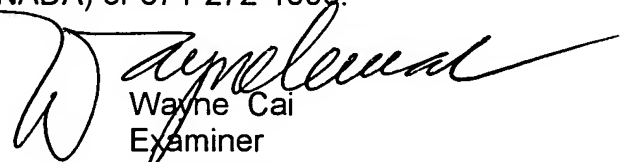
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (571) 272-7798. The examiner can normally be reached on Monday-Friday; 9:00-6:00; alternating Friday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Wayne Cai  
Examiner  
Art Unit 2617



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PRIMARY EXAMINER